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Rev 2/06

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Andrius Kazlauskas et al.
Application No. : 10/589,687
Filed : August 17, 2006
Confirmation No. : 9909
For : DIAGNOSIS OR TREATMENT OF ENDOTHELIAL CELL
DYSFUNCTION RELATED DISEASES
Examiner : Unassigned
Attorney's Docket : ERI-147XX

TC Art Unit: 1647

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450 on Sept. 28, 2006

By: Holliday C. Heine
Holliday C. Heine, Ph.D.
Registration No. 34,346
Attorney for Applicant(s)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the
enclosed references listed on the attached copy of PTO Form #1449. The
paragraph(s) marked below are applicable to this Information Disclosure
Statement.

- [] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached
Information Disclosure Statement is being filed within three
months of the filing date of the above identified national
application or within three months of the date of entry of the
national stage as set forth in 37 C.F.R. § 1.491 of the above
identified application. Accordingly, applicant(s) believes that
no fee or statement under 37 C.F.R. § 1.97(e) is required.

- ☒ (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
☐ a statement under 37 CFR § 1.97(e); or
☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- ☐ (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e) (1)

- ☐ (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e) (2)

- ☐ (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. §

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1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

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The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

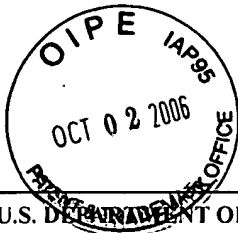
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Date: September 28, 2006

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U.S. DEPARTMENT OF COMMERCE (REV. 05/05) PATENT AND TRADEMARK OFFICE SUPPLEMENTAL INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	ATTY. DOCKET NO. ERI-147XX	APPLICATION NO. 10/589,687
	APPLICANT: Andrius Kazlauskas et al.	
	FILING DATE August 17, 2006	TC ART UNIT 1647

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
	US					
	US					
	US					
	US					

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

	Lei et al., "Heat Shock Protein 90 Alpha-Dependent Translocation of Annexin II to the Surface of Endothelial Cells Modulates Plasmin Activity in the Diabetic Rat Aorta", <i>Circulation Research</i> , Vol. 94, pp.902-909, (2004).
	Hennig et al., "High-Energy Diets, Fatty Acids and Endothelial Cell Function: Implication for Atherosclerosis", <i>Journal of American College of Nutrition</i> , Vol. 20, No. 2, pp. 97-105, (2001).
	Lentz, S. R., "Does Homocysteine Promote Artherosclerosis", <i>Artheroscler. Thromb. Vasc. Biol.</i> , Vol. 21, pp. 1385-1386, (2001).
	Guerci et al., "Endothelial Dysfunction and Type 2 Diabetes", <i>Diabetes Metab.</i> , Vol. 27, pp. 425-434, (2001).
	Romeo et al., "Profilin Acts Downstream of LDL to Mediate Diabetic Endothelial Cell Dysfunction", <i>FASEB Journal</i> , Feb (2004).

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	